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8-19-03  
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BRIEF



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Tracy Glaser

Group Art Unit: 3711

Serial No.: 09/909,737

Examiner: William M. Pierce

Filed: July 19, 2001

Title: CHILD-BASED STORYTELLING ENVIRONMENT

APPELLANT'S BRIEF

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August 4, 2003

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Dear Sir:

BACKGROUND

This brief is in furtherance of the Notice of Appeal, filed in this case on May 20, 2003.

The fees required under 37 C.F.R Section 117, and any required petition for extension of time for filing this brief and fees therefor, are dealt with in the accompanying

TRANSMITTAL OF APPEAL BRIEF.

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This brief is transmitted in triplicate. (37 C.F.R. 1.192(a)).

This brief contains these items under the following headings, and in the order set forth below:

- I. Real Party In Interest
- II. Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Invention
- VI. Issues
- VII. Grouping of Claims
- VIII. Argument of Rejections Under 35 U.S.C. Section 102(b)
- IX. Appendix

The final page of this brief bears the practitioner's signature.

#### **REAL PARTY IN INTEREST**

The real party in interest in this appeal is the party in the caption of this brief, Tracy Glaser.

#### **RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences that will directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.

**STATUS OF CLAIMS****A. TOTAL NUMBER OF CLAIMS IN APPLICATION**

There are 30 currently pending claims in the application.

**B. STATUS OF ALL THE CLAIMS**

Claims canceled: 1-22, 28-33, 42-49, 61-72, and 79-84.

Claims withdrawn: 85-104.

Claims pending: 23-27, 34-41, 50-60, and 73-78.

Claims allowed: None

Claims rejected: 23-27, 34-41, 50-60, and 73-78.

**C. CLAIMS ON APPEAL**

23-27, 34-41, 50-60, and 73-78 are on appeal.

**STATUS OF AMENDMENTS**

The applicant filed an amendment on April 7, 2003, responding to the Examiner's rejections of original claims 1-84 and adding new claims 85-104. The Examiner responded with a Final Office Action dated April 29, 2003, in which the Examiner contended that new claims 85-104 were directed to an independent or distinct invention from those originally claimed, withdrew new claims 85-104 as being non-elected, and rejected each of the remaining claims. There are no other amendments pending.

**SUMMARY OF INVENTION**

The invention relates to a computer-based storytelling environment for children including a system that, through interaction with the user, creates a profile for that user based

upon the user's characteristics. The system then modifies a story choice or scenario to be presented to the user based upon the user's characteristics.

In one aspect of the invention, the system is a computer based game for a child including at least one scenario. The game obtains the age for a first particular child and a second particular child through interaction between the respective children and the game. The game then modifies the scenario based upon their respective ages so that the game is different than it would have been if the game were free from the modification. See, claim 23.

In another aspect of the invention, the system is a computer based game for a child including at least one scenario. The game creates a psychological profile for a particular child based upon psychological characteristics of the child that are obtained through interaction with the child. The game then supplements the psychological profile of the child through interaction with a care giver of the child. The game then modifies the scenario based upon the psychological profile. See, claim 34.

In another aspect of the invention, the system is a computer based game for a child including at least one scenario. The game creates a psychological profile for a particular child based upon the child's interaction with the game when the child configures a graphical representation of the child in the game. The game then modifies the scenario based upon the psychological profile. See, claim 50.

In another aspect of the invention, the system is a computer based game for a child including at least one scenario. The game creates a set of data based upon interaction with the child and forwards the data to at least one of a printing company, a printing and binding company, a video company, a toy company, and a music company. The respective companies, in turn, based upon the data received, provide to the child a greeting card, a postcard, a trading card, a video, a

toy, or a compact disc. See, claim 73.

### **ISSUES**

The issue presented for review is whether claims 23-27, 34-41, 50-60, and 73-78. are unpatentable under 35 U.S.C. Section 102(b) as being anticipated by Sloane, et al., U.S. Patent No. 5,813,863 (hereinafter "Sloane").

### **GROUPING OF CLAIMS**

For purposes of this appeal the following claim groups should each be treated individually.

Group I        Claims 23-27 stand or fall together.

Group II       Claims 34-41 stand or fall together.

Group III      Claims 50-60 stand or fall together.

Group IV      Claims 73-78 stand or fall together.

It is noted that Groups I, II, III, and IV claims are clearly separately patentable because:

- (a) Group I claims relate to a computer based game that modifies a scenario presented to a first child and a second child based upon the respective ages of the children obtained through interaction with the children.
- (b) Group II claims relate to a computer based game that modifies a scenario presented to a child based upon a psychological profile of the child initially obtained by interaction with the child and then modified through interaction with a care giver for the child.

- (c) Group III claims relate to a computer based game that modifies a scenario presented to a child based upon a psychological profile of the child obtained through interaction with the child configuring a graphical representation of the child in the game.
- (d) Group IV claims relate to a computer based game that creates a set of data based upon interaction with the child and forwards that data to at least one of a printing company, a printing and binding company, a video company, a toy company, and a music company, where a respective one of said companies who receive the data may return to said child selective products from the respective companies.

The applicant has presented in the grouping of the claims, and in the argument under 37 CFR 1.192(c)(8), reasons why the four sets of claims are considered separately patentable. See MPEP Section 1206.

Claims 23-27 stand or fall together (group I).

Claims 34-41 stand or fall together (group II).

Claims 50-60 stand or fall together (group III).

Claims 73-78 stand or fall together (group IV).

## **ARGUMENT OF REJECTIONS UNDER 35 U.S.C. SECTION 102**

### **GROUP I**

The Examiner rejected claims 23-27 under 35 U.S.C. Section 102(b) as being unpatentable over Sloane, contending that the reference discloses all the limitations of the invention in the claims of Group I.



Sloane discloses a multimedia behavior-modification system for promoting awareness of illnesses associated with high-risk behavior, such as AIDS and diabetes. The system of Sloane allows an individual user to proceed through an interactive scenario comprising a plurality of video clips. At the end of each viewed video clip, the user is presented with a choice that pertains to a risk factor thought to be associated with the particular illness of which awareness is to be promoted. The choice made will determine which video clip will be subsequently shown to the user so that the user may become aware of the potential consequences of his or her decision. The system also provides a hyperlink to informational content regarding the particular risk factor or factors associated with the video clip that is being viewed.

The claims of Group I, which comprise independent claim 23 and its associated dependent claims 24-27, claim a computer based game for children and include the limitations of “said game obtaining the age for a first particular one of said children as a result of interaction with said game;” “said game obtaining the age for a second particular one of said children as a result of interaction with said game;” and “said game modifying said scenario based on said respective ages . . . .” The Examiner points to column 7, lines 18-33 of Sloane to support the rejection. There, Sloane describes two ways in which personal information about a user may be obtained and used in a behavior-modification system, neither of which anticipate the claim limitations of Group I.

First, Sloane discloses that, among other demographic variables, the age of prospective users may be researched *prior the installation of* a particular behavior-modification system so that its content can be tailored “so as to be culturally familiar.” (Sloane at col. 7, lines 16-22). This particular disclosure does not anticipate the claims of Group 1 because it does not disclose a game where “said game” obtains the age of a user “as a result of interaction with said



game.” See MPEP § 2131 at 2100-70 (Feb. 2003)(“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”). Rather, the reference is merely disclosing that the age of prospective users may be obtained through research prior to the design of a particular system. It should also be noted that because the age of prospective users has been previously researched, and the content of the system of Sloane is tailored to the researched age group, there would be little reason for the system of Sloane to obtain the age of a user through interaction with the game, because it is already assumed.

Second, Sloane discloses that an installed behavior modification system may optionally prompt a user to input personal information, which can then be used by the system to “increase the user’s identification with the character and familiarity with the social surroundings.”(Sloane at col. 7, lines 22-35). Sloane does not indicate that the user’s age is part of the information interactively prompted from the user; rather, Sloane merely indicates that such personal information could include combinations of race and gender. The applicant notes that the Examiner has not argued that Sloane inherently discloses that a user be interactively prompted for his or her age so that the system’s content may be accordingly tailored, which makes any rejection based on this portion of Sloane inappropriate. *See* MPEP § 2112 at 2100-52 (Feb. 2003)(stating that an Examiner must provide a rationale or evidence supporting inherency). Nor would it be appropriate for an Examiner to conclude that Sloane inherently discloses that its system could tailor its content in response to a user inputting his or her age. “In relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic *necessarily* flows from the teachings of the applied prior art.” MPEP § 2112 at 2100-52 *citing* Ex parte Levy, 17 USPQ2d

1461, 1464 (Bd. Patent App. & Inter. 1990)(emphasis in original). As mentioned previously, Sloane teaches that the age of a target audience may be researched prior to the installation of a behavior-modification system and its content accordingly tailored to the age of the target audience, thus obviating any need for a particular user to input his or her age. For that reason, it would not be proper to conclude that the system of Sloane *necessarily* includes the feature where a particular user inputs his or her age into the system.

In any event, the system of Sloane only discloses that the system's content may be modified after a particular, single user inputs personal information that pertains only to *that* single user. See Sloane at col. 2 lines 42-45 (stating that the program content is altered in response to a user's decisions and other characteristics); col. 7 lines 1-6 (stating the necessity that the program be presented from a first-person perspective); and col. 7 lines 25-36 (stating that personal information is prompted from a user to modify the program's content to that user). The claims of Group 1, conversely, include the limitation that "said game obtain[s] the age for a first particular one of said children . . . [and] a *second particular one* of said children *as a result of interaction with said game* and . . . modif[ies] said scenario based on said *respective* ages."(emphasis added). Sloane does not disclose these limitations.

To summarize, the claims of Group 1 are not anticipated by the portion of Sloane that indicates that a target audience may be researched for demographic information, including age, in order to tailor the content of Sloane's system because Group I includes the limitation of obtaining the respective ages of a first and a second user *as a result of interaction with said game*. The portion of Sloane that discloses that an individual user may be interactively prompted for personal information, and the system's content delivered in accordance with that personal information does not anticipate the claims of Group 1 because (1) Sloane does not expressly or

inherently disclose that a user's age be a part of the personal information input into the system; and (2) Sloane merely discloses that program content may be tailored in response to personal information of a *single* user, input by that user, while the claims of Group 1 include the limitation that "said game obtain[s] the age for a first particular one of said children . . . [and] a *second particular one* of said children as a result of interaction with said game and . . . modif[ies] said scenario based on said *respective* ages."

For these reasons, the Examiner's rejection of the claims of Group I was improper and these claims should respectfully be allowed.

## GROUP II

The Examiner rejected claims 34-41 under 35 U.S.C. Section 102(b) as being unpatentable over Sloane contending that the reference discloses all the limitations of the claims of Group II. Sloane has been described earlier and does not anticipate the claims of Group II.

Group II comprises independent claim 34 and its associated dependent claims 35-38, each including the limitations of "said game creating a psychological profile for a particular one of said children . . . as a result of interaction with said child;" "said game supplementing said psychological profile . . . as a result of interaction with a care giver of said child;" and "said game modifying . . . at least one scenario based upon said psychological profile."

The Examiner argues that Sloane "creates a psychological profile based upon 'psychological characteristics' or by inputting personal information." The Examiner argues that the source of the information is immaterial, hence the source of the information being a care giver is inherent. The Examiner is mistaken in both respects.

First, the system of Sloane does not create a psychological profile of any particular

user, and the Examiner cites no portion of Sloane discussing the generation of a “psychological profile” of a particular user. Sloane discloses that personal demographic information of a user may be either inferred by researching the target audience prior to system installation or directly obtained from the user interactively prior to the presentation of system content. Sloane discloses that such demographic information includes gender, race, and nationality. It is not reasonable to assert that a person’s race or gender is a psychological state such that the combination of several such demographic characteristics constitutes a “psychological profile.” Nor can the Examiner reasonably assert that physical or ethnic characteristics control how a person thinks.

The system disclosed by Sloane does track the decisions of users so that statistical data may be sent to law enforcement or health care professionals about which illnesses attract the most attention, which high-risk behaviors are most prevalent, etc. The information sent, though, pertains to the collective behavioral decisions of all users, rather than a particular user and more specifically, a child. Even if the system disclosed by Sloane could be construed to compile a particular user’s behavior profile with respect to an illness, the profile is compiled when the user has finished the scenario and is not used to modify a scenario.

Second, the limitation that a profile of a child be supplemented “as a result of interaction with a care giver of said child” is not an inherent feature of Sloane. As mentioned previously, Sloane discloses two methods of obtaining personal information about a user - prior research about the target audience and interaction with the user immediately prior to the presentation of system content. The limitation of “said game supplementing said psychological profile . . . as a result of interaction with a care giver of said child” cannot be an inherent feature of prior research of the target audience because there is not yet a profile of a particular child to supplement and because the information is not obtained as a result of interaction.

Nor can the limitation of “said game supplementing said psychological profile . . . as a result of interaction with a care giver of said child” be an inherent feature of obtaining personal information about a user through interaction with the user. “In relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic *necessarily* flows from the teachings of the applied prior art.” MPEP § 2112 at 2100-52 *citing* Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Patent App. & Inter. 1990)(emphasis in original). Sloane discloses an educational interactive presentation about a number of adult, behaviorally acquired diseases such as AIDS and diabetes. To tailor the system’s content to a specific user, Sloane discloses that the user may provide personal information such as gender, race, nationality, etc. If users are able to comprehend and learn from the decisions they make during the interactive presentation, as Sloane intends, the users certainly do not need a care giver to tell the system what gender, or race, or nationality, the user is. At no point does Sloane indicate, expressly or inherently, that personal information about a user be interactively gathered from any other person than the user.

Parenthetically, the Examiner asserts that “the source of information used is disclosed as being immaterial to [the invention disclosed in Sloane]. It can come from user input or from ‘public health authorities, educators, medical professionals, and lawmakers/enforcement officials’ (co. 11, ln 46).” The quotation used by the Examiner is taken out of context. At column 11, lines 45-50, Sloane discloses that the statistical information about the collective decisions of the users may be given to public health officials, educators, etc. in order to alert social institutions that certain high risk behaviors are prevalent. In other words, Sloane discloses health authorities, educators, medical professionals and law enforcement to be *recipients* of information *from* the system rather than a source of information into the system, as the Examiner

contends.

To summarize, the claims of Group II are not anticipated by Sloane for two reasons. First, that reference fails to disclose “a game for children” that “creates a psychological profile for a particular one of said children” and modifies a scenario “based upon said psychological profile.” Sloane merely discloses that behavioral modification system content can be tailored to reflect the physical, racial, and ethnic characteristics of the user and does not disclose tailoring that system based upon the psychological characteristics of the user. Second, Sloane does not disclose, expressly or inherently, that a care giver of the user provide the information used to tailor the system to a user. The Examiner’s assertion- that the source of the personal information used in the system of Sloane is irrelevant- misses the point. The test is whether Sloane *necessarily* discloses a care giver as the source of that information. Because the information used by the system of Sloane merely pertains to a user’s gender, race, etc., the only *necessary* source of that information would be the user. Therefore, Sloane does not inherently teach the limitation suggested by the Examiner.

For these reasons, the Examiner’s rejection of the claims of Group II was improper and these claims should respectfully be allowed.

### **GROUP III**

The Examiner rejected the claims of Group III under 35 U.S.C. Section 102(b) as being unpatentable over Sloane contending that the reference discloses all the limitations of the invention in the claims of Group III. Sloane has been described earlier and does not anticipate the claims of Group III.

Group III comprises independent claim 50 and its associated dependent claims 51-

60, each claiming “a computer based game for children” and including the limitation of “said game creating a psychological profile for a particular one of said children based upon interaction with said child configuring a graphical representation of said particular one of said children for said game.” This limitation is not disclosed by Sloane.

The Examiner asserts that “Sloane shows the use of ‘graphical representation’ (sic) such as ‘Hispanic female’ (col. 7 ln. 27). Based upon this information, the scenario is modified for that particular user.” The Examiner is incorrect. Sloane does not disclose any graphical representation of the user. Sloane, in fact, expressly states that its system content is presented to a user in a series of video clips taken from a *first person perspective*, i.e. the video is shown as if it were through the eyes of the user. (See Sloane, col. 6 line 59.) The reference goes on to emphasize the importance of that first person perspective to the effectiveness of the system. *Id.* at col. 7 lines 1-16. (“The first person perspective is key to the ‘learning by doing’ or experimental approach of the present invention.”). Thus, Sloane specifically excludes the claimed limitation of a graphical representation of a user that can be configured. The Examiner cites column 7 line 27 of the reference, which merely indicates that the “virtual character” can be a Hispanic female if the user is a Hispanic female, i.e. “voice clips will be of a Hispanic female dialect, video clips will be tailored to show Hispanic female social situations, etc.” This passage never indicates that the system includes a graphical representation of the user.

Furthermore, even if the system of Sloane were to incorporate a graphical representation of the user, the claims of Group III would still not be anticipated, as each of those claims in Group III include the limitation of “said child *configuring* a graphical representation of said particular one of said children.” Sloane presents its content to the user in the form of video clips, hence even if there were a graphical representation of the user in the video clips, the user

would be unable to configure that representation.

Finally, the claims of Group III include the limitation of “said game modifying said at least one scenario for said child *based upon said psychological profile*” where the psychological profile is created from the child’s configuring a graphical representation of the child. The Examiner’s contention that the scenario of Sloane is modified based upon the asserted graphical representation selected by the user is irrelevant because the reference does not disclose that the selection of the asserted graphical representation is used to create a psychological profile, which in turn is used to modify a scenario presented to the user.

For each of the foregoing reasons, the claims of Group III are not anticipated by Sloane and should be allowed.

#### **GROUP IV**

The Examiner rejected the claims of Group IV under 35 U.S.C. Section 102(b) as being unpatentable over Sloane contending that the reference discloses all the limitations of the invention in the claims of Group IV. Sloane has been described earlier and does not anticipate the claims of Group IV.

Group IV comprises independent claim 50 and its associated dependent claims 51-60, each claiming a computer based game for children that includes the limitations of “creating a set of data based on interaction of said child with said game,” “forwarding said data to at least one of a printing company; . . . a binding company; a video company; a toy company; and a music company,” and a respective one of said companies in turn providing to said child at least one of a greeting card; a postcard; a trading card; a video; a toy; or a compact disc. These limitations are not disclosed by Sloane.



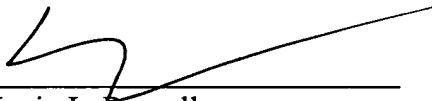
The Examiner contends that the disclosure in Sloane anticipates the aforementioned claim limitations because it discloses “audio-visual subject matter presented to the user”. This is incorrect. At best, Sloane discloses that *the game* presents a video to the user based on a set of data about the user obtained from interaction with the game. Sloane does not disclose *forwarding said data to a video company* and said *video company providing* a video to said child.

For the foregoing reasons, the claims of Group IV are not anticipated by Sloane and should be allowed.

### **CONCLUSION**

The Examiner's final rejection of the claims under 35 U.S.C. Section 102(b) should be reversed and, consequently, the claims should be found patentable to applicant.

Respectfully submitted,



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**APPENDIX OF CLAIMS**

Claims 1-22 (cancelled).

23. A computer based game for children including at least one scenario comprising:
- (a) said game obtaining the age for a first particular one of said children as a result of interaction with said game;
  - (b) said game obtaining the age for a second particular one of said children as a result of interaction with said game; and
  - (c) said game modifying said at least one scenario for said first and second child based upon said respective ages so that same game is different than it would have been if said game was free from said modification.
24. The game of claim 23 further comprising creating said psychological profile for said first particular one of said children based upon interaction with said child.
25. The game of claim 23 further comprising said first particular one of said children interacting with said at least one scenario of said game, and said psychological profile being created prior to said first particular one of said children interacting with said at least one scenario of said game.
26. The game of claim 25 further comprising said first particular one of said children interacting with another one of said at least one scenario of said game and said game modifying said another one of said at least one scenario for said first particular one of said children based upon said psychological profile.

27. The game of claim 26 further comprising modifying said psychological profile in accordance with said first particular one of said children interacting with said another one of said at least one scenario.

Claims 28-33 (cancelled).

34. A computer based game for children including at least one scenario comprising:

- (a) said game creating a psychological profile for a particular one of said children based upon the psychological characteristics of said child as a result of interaction with said child;
- (b) said game supplementing said psychological profile for said particular one of said children based upon the psychological characteristics of said child as a result of interaction with a care giver of said child;
- (c) said game modifying said at least one scenario for said child based upon said psychological profile.

35. The game of claim 34 wherein said care giver is at least one of a parent and a baby sitter.

36. The game of claim 34 further comprising said particular one of said children interacting with said at least one scenario of said game, and said psychological profile being created prior to said particular one of said children interacting with said at least one scenario of said game.

37. The game of claim 36 further comprising said particular one of said children interacting with another one of said at least one scenario of said game and said game modifying said another one of said at least one scenario for said particular one of said children based upon said psychological profile.

38. The game of claim 36 further comprising said psychological profile being supplemented as a result of said interaction with said care giver prior to said particular one of said children interacting with said at least one scenario of said game.

39. The game of claim 34 wherein said psychological profile includes at least one of:

- (a) a social assessment which relates to the management of relationships with one another;
- (b) a language assessment which relates to understanding the meaning of words and their use;
- (c) a logic assessment which relates to solving problems in a step-by-step manner;
- (d) a numbers assessment which relates to understanding the use of numbers;
- (e) a visual assessment which relates to visualizing images;
- (f) a spatial assessment which relates to manipulating an image;
- (g) a movement assessment which relates to coordinating the body; and
- (h) an emotional assessment which relates to recognizing emotions.

40. The game of claim 34 wherein said psychological profile includes a plurality of

specific concerns.

41. The game of claim 40 wherein said specific concerns are modified as a result of the child's interaction with said game.

Claims 42-49 (cancelled).

50. A computer based game for children including at least one scenario comprising:

- (a) said game creating a psychological profile for a particular one of said children based upon interaction with said child configuring a graphical representation of said particular one of said children for said game; and
- (b) said game modifying said at least one scenario for said child based upon said psychological profile.

51. The game of claim 50 wherein said configuring said graphical representation includes the selection of an age, a name, and a gender of said particular one of said children.

52. The game of claim 51 wherein said game automatically modifies said psychological profile to represent an increased age of said child as time elapses.

53. The game of claim 51 wherein said game presents a modified graphical representation for said particular one of said children representative of a child of an increased age as time elapses.

54. The game of claim 51 wherein said game presents a graphical representation that represents either a female if said particular child is female and a male if said particular child is male.

55. The game of claim 51 wherein said configuring said graphical representation includes the selection of the exterior appearance of said graphical representation after said selection of said age and said gender.

56. The game of claim 55 wherein said exterior appearance includes the selection of the size and proportions of said graphical representation.

57. The game of claim 55 wherein said exterior appearance includes the selection of at least one of the clothes and costumes for said graphical representation.

58. The game of claim 51 wherein said psychological profile is modified in accordance with said age and said gender of said particular one of said children.

59. The game of claim 55 wherein said psychological profile is modified in accordance with said exterior appearance of said graphical representation.

60. The game of claim 59 wherein said configuring said graphical representation includes the selecting of preferences of said particular one of said children including at least one of said particular one of said children's favorite things, favorite activities, and favorite things.

Claims 61-72 (cancelled).

73. A computer based game for children including at least one scenario comprising:

- (a) said game creating a set of data based upon interaction of said child with said game;
- (b) said game forwarding said data to at least one of.
  - (i) a printing company;
  - (ii) a printing and binding company;
  - (iii) a video company;
  - (iv) a toy company;
  - (v) a music company;
- (c) a respective one of said companies in turn providing, based upon said set of data, to said child:
  - (i) a greeting card from said printing company;
  - (ii) a postcard from said printing company;
  - (iii) a trading card from said printing company;
  - (iv) a video from said video company;
  - (v) a toy from said toy company;
  - (vi) a compact disc from said music company.

74. The game of claim 73 wherein said data is forwarded to said printing company.

75. The game of claim 73 wherein said data is forwarded to said printing and binding company.

76. The game of claim 73 wherein said data is forwarded to said video company.

77. The game of claim 73 wherein said data is forwarded to said toy company.

78. The game of claim 73 wherein said data is forwarded to said music company.

Claims 79-84 (cancelled).

85. (Withdrawn) A computer based game for a child, said game comprising:

- (a) a graphical storytelling environment;
- (b) a proxy for said child graphically represented in said storytelling environment and having at least one of a physical profile and a psychological profile, said physical profile having individual physical characteristics of said child including said child's name, gender, and age, said psychological profile having individual psychological characteristics of said child at least partially obtained through interaction within said graphical storytelling environment; and
- (c) a scenario within said graphical storytelling environment that displays said proxy reacting to an event, said scenario having a plurality of potential reactions by said proxy to said event, where said at least one of a physical profile and a psychological profile is used by said game to select said proxy's reaction to said event.



86. (Withdrawn) The game of claim 85 where said at least one of a physical profile and a psychological profile is created prior to the beginning of said scenario.

87. (Withdrawn) The game of claim 85 where said scenario is interactive, said proxy includes a psychological profile that is updated as a result of interaction with said child during said scenario, and said game includes a second scenario that displays said proxy reacting to a second event, said second scenario having a plurality of potential reactions by said proxy to said second event, where said updated psychological profile is used by said game to select said proxy's reaction to said second event.

88. (Withdrawn) The game of claim 85 where said proxy includes a psychological profile, said psychological profile including at least one of (a) a social assessment that relates to the management of relationships with another; (b) a language assessment that relates to understanding the meaning of words and their use; (c) a logic assessment that relates to solving problems in a step-by-step manner; (d) a numbers assessment that relates to understanding the use of numbers; (e) a visual assessment that relates to visualizing images; (f) a spatial assessment that relates to manipulating an image; (g) a movement assessment that relates to coordinating the body; and (h) an emotional assessment that relates to recognizing emotions.

89. (Withdrawn) The game of claim 85 where said proxy includes a psychological profile, said psychological profile including at least two of (a) a social assessment that relates to the management of relationships with another; (b) a language assessment that relates to understanding the meaning of words and their use; (c) a logic assessment that relates to solving

problems in a step-by-step manner; (d) a numbers assessment that relates to understanding the use of numbers; (e) a visual assessment that relates to visualizing images; (f) a spatial assessment that relates to manipulating an image; (g) a movement assessment that relates to coordinating the body; and (h) an emotional assessment that relates to recognizing emotions.

90. (Withdrawn) The game of claim 85 where said proxy includes a psychological profile, said psychological profile including at least three of (a) a social assessment that relates to the management of relationships with another; (b) a language assessment that relates to understanding the meaning of words and their use; (c) a logic assessment that relates to solving problems in a step-by-step manner; (d) a numbers assessment that relates to understanding the use of numbers; (e) a visual assessment that relates to visualizing images; (f) a spatial assessment that relates to manipulating an image; (g) a movement assessment that relates to coordinating the body; and (h) an emotional assessment that relates to recognizing emotions.

91. (Withdrawn) The game of claim 85 where said proxy includes a psychological profile, said psychological profile including at least four of (a) a social assessment that relates to the management of relationships with another; (b) a language assessment that relates to understanding the meaning of words and their use; (c) a logic assessment that relates to solving problems in a step-by-step manner; (d) a numbers assessment that relates to understanding the use of numbers; (e) a visual assessment that relates to visualizing images; (f) a spatial assessment that relates to manipulating an image; (g) a movement assessment that relates to coordinating the body; and (h) an emotional assessment that relates to recognizing emotions.

92. (Withdrawn) The game of claim 85 where said proxy includes a psychological profile obtained by an interactive test within said game.

93. (Withdrawn) The game of claim 92 where said test is the Luscher color test.

94. (Withdrawn) The game of claim 85 where said game records said at least one of a physical profile and a psychological profile for a particular child, and said at least one of a physical profile and a psychological profile is periodically updated as said child grows older.

95. (Withdrawn) A computer based game for a child, said game comprising:

(a) a graphical storytelling environment;

(b) a proxy for said child graphically represented in said storytelling environment and having a physical profile and a psychological profile, said physical profile having individual physical characteristics of said child including said child's name, gender, and age, said psychological profile having individual psychological characteristics of said child at least partially obtained through interaction within said graphical storytelling environment; and

(c) a plurality of potential interactive scenarios to be displayed within said graphical storytelling environment where said physical profile and said psychological profile are used by said game to select one or more of said potential interactive scenarios.

96. (Withdrawn) The game of claim 95 where said psychological profile is created prior to the beginning of the selected one or more of said potential interactive scenarios.

97. (Withdrawn) The game of claim 95 where said proxy includes a psychological profile that is updated as a result of interaction with said child during a first selected interactive scenario, and said game selects a second interactive scenario based on the updated said psychological profile.

98. (Withdrawn) The game of claim 95 where said proxy includes a psychological profile, said psychological profile including at least one of (a) a social assessment that relates to the management of relationships with another; (b) a language assessment that relates to understanding the meaning of words and their use; (c) a logic assessment that relates to solving problems in a step-by-step manner; (d) a numbers assessment that relates to understanding the use of numbers; (e) a visual assessment that relates to visualizing images; (f) a spatial assessment that relates to manipulating an image; (g) a movement assessment that relates to coordinating the body; and (h) an emotional assessment that relates to recognizing emotions.

99. (Withdrawn) The game of claim 95 where said proxy includes a psychological profile, said psychological profile including at least two of (a) a social assessment that relates to the management of relationships with another; (b) a language assessment that relates to understanding the meaning of words and their use; (c) a logic assessment that relates to solving problems in a step-by-step manner; (d) a numbers assessment that relates to understanding the use of numbers; (e) a visual assessment that relates to visualizing images; (f) a spatial assessment that relates to manipulating an image; (g) a movement assessment that relates to coordinating the body; and (h) an emotional assessment that relates to recognizing emotions.

100. (Withdrawn) The game of claim 95 where said proxy includes a psychological profile, said psychological profile including at least three of (a) a social assessment that relates to the management of relationships with another; (b) a language assessment that relates to understanding the meaning of words and their use; (c) a logic assessment that relates to solving problems in a step-by-step manner; (d) a numbers assessment that relates to understanding the use of numbers; (e) a visual assessment that relates to visualizing images; (f) a spatial assessment that relates to manipulating an image; (g) a movement assessment that relates to coordinating the body; and (h) an emotional assessment that relates to recognizing emotions.

101. (Withdrawn) The game of claim 95 where said proxy includes a psychological profile, said psychological profile including at least four of (a) a social assessment that relates to the management of relationships with another; (b) a language assessment that relates to understanding the meaning of words and their use; (c) a logic assessment that relates to solving problems in a step-by-step manner; (d) a numbers assessment that relates to understanding the use of numbers; (e) a visual assessment that relates to visualizing images; (f) a spatial assessment that relates to manipulating an image; (g) a movement assessment that relates to coordinating the body; and (h) an emotional assessment that relates to recognizing emotions.

102. (Withdrawn) The game of claim 95 where said proxy includes a psychological profile obtained by an interactive test within said game.

103. (Withdrawn) The game of claim 102 where said test is the Luscher color test.

104. (Withdrawn) The game of claim 95 where said game records said at least one of a physical profile and a psychological profile for a particular child, and said at least one of a physical profile and a psychological profile is periodically updated as said child grows older.